

Kings County Civil Court
Civil JudgmentPlaintiff(s):
RENAISSANCE EQUITY HLDGS F LLC

vs.

Defendant(s):
MR ERIK RODRIGUEZ

Index Number: CV-007557-15/KI

Judgment issued: Per Settlement of Parties

On Motion of:

Gary Michael Kavulich
181 Westchester Ave Ste 500C, Port Chester,
NY 10573-6522

| | | | | | |
|---------------------------|-------------------|--|-----------------|-----------------------|-------------------|
| Amount claimed | \$2,921.94 | Index Number Fee | \$45.00 | Transcript Fee | \$0.00 |
| Less Payments made | \$0.00 | Consumer Credit Fee | \$0.00 | County Clerk Fee | \$0.00 |
| Less Counterclaim Offset | \$0.00 | Service Fee | \$25.00 | Enforcement Fee | \$40.00 |
| Interest 12/01/2013 at 9% | \$626.10 | Non-Military Fee | \$0.00 | Other Disbursements | \$0.00 |
| Attorney Fees | \$0.00 | Notice of Trial Fee | \$0.00 | Other Costs | \$0.00 |
| Cost By Statute | \$20.00 | Jury Demand Fee | \$0.00 | | |
| Total Damages | \$3,548.04 | Total Costs & Disbursements | \$130.00 | Judgment Total | \$3,678.04 |

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) RENAISSANCE EQUITY HLDGS F LLC
1412 BROOKLYN AVENUE, BROOKLYN, NY 11210

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) MR ERIK RODRIGUEZ
1210 LORING AVE APT 2B, Brooklyn, NY 11208-5043

Judgment entered at the Kings County Civil Court, 141 Livingston Street, Brooklyn, NY 11201, in the STATE OF NEW YORK in the total amount of \$3,678.04 on 04/19/2016 at 03:34 PM.

Judgment sequence 2

Carol Alt

Carol Alt, Chief Clerk

FILED
JUDG. CLERK**CIVIL COURT**
KINGS COUNTY

COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

INDEX NO. 7357/15
FILE NO. 19022

RENAISSANCE EQUITY HLDGS F LLC,

JUDGMENT
AFTER STIPULATION

PLAINTIFF(S)

-AGAINST-

MR. ERIK RODRIGUEZ,

DEFENDANT(S)

AMOUNT CLAIMED LESS PAYMENT(S) ON ACCT: OF \$0.00
INTEREST FROM DECEMBER 1, 2013

\$2,921.94
\$ 591.69
\$3,513.63

COSTS BY STATUTE \$20.00
SERVICE OF SUMMONS AND COMPLAINT \$25.00
FILING OF SUMMONS AND COMPLAINT \$45.00
PROSPECTIVE MARSHALL'S FEE \$40.00

\$ 130.00

TOTAL:

\$3,643.63

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT. THE CAUSE OF ACTION IN THE WITHIN MATTER ACCRUED IN THE STATE OF NEW YORK WHERE THE STATUTE OF LIMITATIONS ON A CONTRACT, UPON WHICH THE ACTION IS BASED, IS SIX (6) YEAR S. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THAT THE DEFENDANT(S) ANSWERED, CASE WAS SETTLED PER STIPULATION ON DECEMBER 7, 2015. THAT DEFENDANT(S) DEFAULTED ON SAID STIPULATION. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY
MARCH 7, 2016

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.

JUDGMENT ENTERED ON

SERVICE OF THE SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S) HEREIN HAVING BEEN COMPLETED. CASE WAS SETTLED PER STIPULATION ON DECEMBER 7, 2015. THAT A DEFAULT BY THE DEFENDANT IN COMPLYING WITH SAID AGREEMENT AND DEFENDANT'S FAILURE TO CURE THAT DEFAULT DESPITE PLAINTIFF'S NOTICE IN ACCORDANCE WITH THAT STIPULATION. JUDGMENT IS REQUESTED. ANNEXED HERETO IS A COPY OF SAID STIPULATION AND DEFAULT NOTICE.

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT
AFTER A DEFAULT IN SAID STIPULATION,
RENAISSANCE EQUITY HLDGS F LLC,
RESIDING AT: 1412 BROOKLYN AVENUE, BROOKLYN, NY 11210
RECOVER OF: MR. ERIK RODRIGUEZ,
RESIDING AT: 1210 LORING AVENUE, APT. 2B, BROOKLYN, NY 11208-5043
THE SUM OF \$2,921.94 WITH INTEREST OF \$591.69 MAKING A TOTAL OF \$3,513.63 TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$3,643.63 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED.

RECEIVED
2016 MAR 17 PM 2:24

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

-----X

RENAISSANCE EQUITY HLDGS F LLC,
INDEX NO. 7557/15

PLAINTIFF(S)

AGAINST

MR. ERIK RODRIGUEZ,

DEFENDANT(S)

-----X

JUDGMENT
AFTER STIPULATION

| | |
|------------------------------|------------------|
| Amount Claimed with Interest | \$3,513.63 |
| Costs and Disbursements | <u>\$ 130.00</u> |
| Total: | \$3,643.63 |

KAVULICH & ASSOCIATES, P.C.
ATTORNEY FOR PLAINTIFF
181 WESTCHESTER AVENUE, SUITE 500C
PORT CHESTER, NEW YORK 10573
PHONE: 914-355-2074

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
KINGS COUNTYIndex #: 7557/2015
Date Filed: 2/13/2015ATTORNEY(S): KAVULICH & ASSOCIATES, PC
ADDRESS : File No 19022

RENAISSANCE EQUITY HLDGS F LLC

Plaintiff(s)/Petitioner(s)

vs.

MR. ERIK RODRIGUEZ

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS SS:

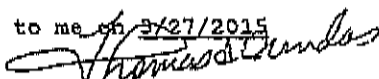
YANNICK JHUGDEO, being duly sworn says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On 3/20/2015 at 12:38 PM at 1210 LORING AVENUE, APT. 2B, BROOKLYN, NY 11208, deponent served the within

SUMMONS & ENDORSED COMPLAINT

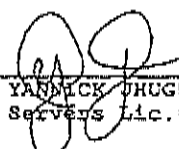
with index Number 7557/2015, and Date File 2/13/2015 endorsed thereon, on: MR. ERIK RODRIGUEZ, Defendant therein named

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent the person served to be the person described as said person therein.
- #2 CORPO RATION ☐ By delivering to and leaving with and that deponent know the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.
Service was made in following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.
- #3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to JOHN DOE a person of suitable age and discretion
Said premises is recipient's ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
- #4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
- #5 MAIL COPY ☒ On 3/25/2015 deponent completed service under the last two section by depositing a copy of the SUMMONS & ENDORSED COMPLAINT to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York, Certified Mail No. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on At on At on At
- #7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
Sex: MALE, Color of Skin: BROWN, Color of Hair: BLACK & GRAY, Age: 60-69, Height: 6'9"/6'0, Weight: 165-200, Other Features:
- #8 WIT. FEES ☐ The authorized witness fee and / or travelling expense were paid (tendered) to recipient.
- #9 MILITARY SERVICES ☐ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or the State of NEW YORK and was informed that defendant was not.

Sworn to me on 3/27/2015



THOMAS A. DUNDAS

NOTARY PUBLIC, State of New York
NO. 01D06016919, Qualified in Queens County
Commission Expires 11/30/2018
YANNICK JHUGDEO
Servers Lic. # 1457400

CF

CLERK'S OFFICE
CIVIL COURT-KINGS
2015 APR 2 P 4:55

PROCESS SERVER PLUS INC. LIC# 1077004, 96-11 101ST AVENUE, 2ND FL, OZONE PARK, NY 11416

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

RENAISSANCE EQUITY HLDGS F. LLC,

Plaintiff(s),

-against-

MR. ERIK RODRIGUEZ,

Defendant(s)

STIPULATION OF
SETTLEMENT

Index No. 7557/15

Settled for \$ 1,650 plus interest at 0% except on default to be paid to plaintiff as follows:

\$ 1,650 by 1-7-2016 4000 continued payments of \$ 400 per month by the 1st of every month thereafter until the settlement is paid in full. [INITIAL OR STRIKE OUT]:

~~Prior Judgment (if any) hereby vacated and any restraints/garnishments lifted forthwith.~~

~~Judgment made as security enforcement stayed until and unless defendant defaults.~~

Plaintiff may proceed against any party not a party to this stipulation. Should Defendant fail to timely make a payment, plaintiff may upon ten (10) days written notice to cure enter/enforce judgment for the relief requested in the complaint including any attorney fees allowed by law, interest, costs and disbursements, giving credit for payments made hereunder. After final payment clears, Plaintiff shall send to the undersigned, as applicable, a stipulation of discontinuance or satisfaction of judgment. The undersigned Defendant(s) appears herein, waives service of the summons and complaint, acknowledge that they are not in the military, consents to the Court's jurisdiction, waives and discontinues any counterclaims with prejudice, authorizes plaintiff's counsel to communicate with them, waives any cease & desist request and waives any and all defenses and claims stemming from this matter to date against Plaintiff & its successors, assigns, directors, officers, shareholders, members, employees, insurers, attorneys, agents and independent contractors. Any waiver or delay in exercising Plaintiff's rights as to a default shall not be deemed a waiver of such rights as to any subsequent event of default. Payment in excess of the above minimum monthly payment will be applied to the account balance, but shall not relieve Defendant of their obligation to pay the next monthly payment(s). Defendant shall notify Plaintiff via regular mail with mailing receipt within 10 days of a change of address. Whenever \$600.00 or more of a debt is forgiven as a result of settling a debt for less than the balance owing, the creditor may be required to report the amount of the forgiven debt to the Internal Revenue Service on a 1099C Form, a copy of which would be mailed to you by the creditor. If you are uncertain of the legal or tax consequences, we encourage you to consult your legal or tax advisor.

- Include file # 19022 on all payments.
- Make all payments to KAVULICH & ASSOCIATES, P.C., as attorneys, 181 Westchester Avenue, Suite 500C, Port Chester, NY, 10573, (Tel. No. 914-355-2074).

Dated: December 7, 2015

SO ORDERED:

KAVULICH & ASSOCIATES, P.C.
Attorneys for plaintiff

X [Signature], defendant

By: [Signature] HON. NOACH DEAR
of counsel

Notice Address: 1210 64th Ave #2B
Brooklyn, NY 112 05

THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.

Kavulich & Associates, P.C.
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
Phone: 914-355-2074 / Fax: 914-355-2078
kavulich@kavulichandassociates.com

February 05, 2016

Mr Erik Rodriguez
1210 Loring Avenue, Apt. 2B
Brooklyn, NY, 11208-5043

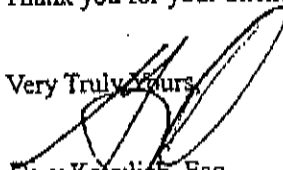
Re: Defaulted Stipulation
Renaissance Equity Hldgs F LLC
File No.: 19022

Dear Mr Erik Rodriguez,

You are in default of your payment under the stipulation signed by you. Please be advised that if the default is not cured within 10 days of the date of this letter, my client will pursue all remedies available to it under law.

Kindly forward all remittances to us, payable to the law firm of Kavulich & Associates, P.C. at 181 Westchester Ave., Suite 500C Port Chester NY 10573 with your file number on said payment. Thank you for your attention to this matter.

Very Truly, Yours,


Gary Kavulich, Esq.

This is an attempt to collect a debt. Any information obtained will be used for that purpose.
This communication is from a debt collector.

Civil Court of the City of New York
County of Kings

X

Renaissance Equity Hldgs F LLC

PLAINTIFF(S)

AFFIDAVIT OF
INVESTIGATOR

-against-

Mr Erik Rodriguez,
[REDACTED] 1559

Index No. 7557/15
File No. 19022

DEFENDANT

X

STATE OF NEW YORK)

)SS.:

COUNTY OF WESTCHESTER)

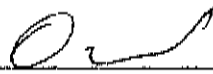
I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant Mr Erik Rodriguez is at the present time in military service for the purpose of entry of judgment.

On 03/07/2016, I Denise Miranda contacted the Defense manpower Data Center concerning the Defendant Mr Erik Rodriguez military status.

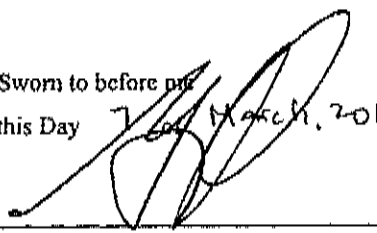
I inputted the social security number, as provided by the Defendant, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).


Denise Miranda

Sworn to before me
this Day

7th March, 2016


Notary Public

Gary Kavulich

Notary Public – State of New York

No. 02KA6205615

Qualified in Westchester County

My Commission Expires 05/11/2017

Department of Defense Manpower Data Center

Results as of: Mar-07-2016 01:45:14 PM

SCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: RODRIGUEZFirst Name: ERIK

Middle Name:

Active Duty Status As Of: Mar-07-2016

| On Active Duty On Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects the individual's active duty status based on the Active Duty Status Date | | | |

| Left Active Duty Within 307 Days of Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects where the individual left active duty status within 307 days preceding the Active Duty Status Date | | | |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date | | | |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date | Order Notification End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty | | | |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Enrollment Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq. as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via this URL: <https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating Service Members or Getting a Mailing Address>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: O9P7A0FE2293D20

8

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGSSTIPULATION OF
SETTLEMENT

RENAISSANCE EQUITY HLDGS F, LLC.

Plaintiff(s),

Index No. 7557/15

-against-

MR. ERIK RODRIGUEZ,

Defendant(s)

Settled for \$ 1,650.⁰⁰, plus interest at 0% except on default to be paid to plaintiff as follows:\$ 1,650. by 1-7-2016 Lump-Sum & continued payments of \$ _____ per month by the _____ of every month thereafter until the settlement is paid in full. [INITIAL OR STRIKE OUT]:~~Prior Judgment / Judgment hereby vacated and any restraints/garnishments lifted forthwith.~~~~Judgment stands as security, enforcement stayed until and unless defendant defaults.~~

Plaintiff may proceed against any party not a party to this stipulation. Should Defendant fail to timely make a payment, plaintiff may upon ten (10) days written notice to cure enter/enforce judgment for the relief requested in the complaint including any attorney fees allowed by law, interest, costs and disbursements, giving credit for payments made hereunder. After final payment clears, Plaintiff shall send to the undersigned, as applicable, a stipulation of discontinuance or satisfaction of judgment. The undersigned Defendant(s) appears herein, waives service of the summons and complaint, acknowledge that they are not in the military, consents to the Court's jurisdiction, waives and discontinues any counterclaims with prejudice, authorizes plaintiff's counsel to communicate with them, waives any cease & desist request and waives any and all defenses and claims stemming from this matter to date against Plaintiff & its successors, assigns, directors, officers, shareholders, members, employees, insurers, attorneys, agents and independent contractors. Any waiver or delay in exercising Plaintiff's rights as to a default shall not be deemed a waiver of such rights as to any subsequent event of default. Payment in excess of the above minimum monthly payment will be applied to the account balance, but shall not relieve Defendant of their obligation to pay the next monthly payment(s). Defendant shall notify Plaintiff via regular mail with mailing receipt within 10 days of a change of address. Whenever \$600.00 or more of a debt is forgiven as a result of settling a debt for less than the balance owing, the creditor may be required to report the amount of the forgiven debt to the Internal Revenue Service on a 1099C Form, a copy of which would be mailed to you by the creditor. If you are uncertain of the legal or tax consequences, we encourage you to consult your legal or tax advisor.

- ▶ Include file # 19022 on all payments.
- ▶ Make all payments to KAVULICH & ASSOCIATES, P.C., as attorneys, 181 Westchester Avenue, Suite 500C, Port Chester, NY, 10573, (Tel. No. 914-355-2074).

Dated: December 7, 2015

SO ORDERED:

KAVULICH & ASSOCIATES, P.C.

Attorneys for plaintiff

X [Signature], defendant

By:

HON. NOACH DEAR
of Counsel

THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.

Notice Address:

1210 Loring Ave. #2B
Brooklyn, NY 112 08

Civil Court of the City of New York
County of Kings

RENAISSANCE EQUITY HLDGS F LLC
-against-
MR ERIK RODRIGUEZ

Index Number CV-007557-15/KI

ORDER TO SHOW CAUSE

To Vacate a Judgment, restore case to the Calendar, and vacate any liens and income executions involving this defendant on this case

Settle

UPON the annexed affidavit of MR ERIK RODRIGUEZ, sworn to on November 20, 2015, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Kings Civil Court
141 Livingston Street
Brooklyn, New York 11201
Part 34C Room 1101
on December 7, 2015 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, restoring to the calendar, vacating any liens and income executions and/or granting such other and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

_____ by Personal Service by "In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
Jme by First Class Mail with official Post Office
Certificate of Mailing

_____ by Personal Service by "In Hand Delivery"
_____ by Certified Mail, Return Receipt Requested
Jme by First Class Mail with official Post Office
Certificate of Mailing

on or before November 23, 2015, shall be deemed good and sufficient.

PROOF OF SUCH SERVICE shall be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Attorney(s): Mail to:
Gary Michael Kavulich (Counsel for Pltff)
181 Westchester Ave Ste 500C
Port Chester, NY 10573-6522

Sheriff/Marshal:

Jme

November 20, 2015

DATE

Hon. Theresa M. Ciccotto, Civil Court Judge (NYC)

Civil Court of the City of New York
 RENAISSANCE EQUITY HLDGS F LLC
 -against-
 MR ERIK RODRIGUEZ

calendar, and vacate any judgment, liens
 and income executions involving this defendant
 on this case

State of New York, County of Kings

MR ERIK RODRIGUEZ, being duly sworn, deposes and says:

(Defendant's initials)

1. ER a) I am the Party named as (Defendant)(Respondent) in the above titled action.
2. ER a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to #4]
 b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]
 ✓ a Notice of Default Judgment mailed to me
 ✓ a Restraining Notice on my bank account.
 ✓ a copy of an Income Execution served on 11/19/15
 Other: _____
3. a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete # 3a, skip and go to #6].
 b) I did appear and answer in the Clerk's Office
 and I received a date for trial.
 but the answer was entered late
 Other: _____
4. On the Date of Trial before Judge/Arbitrator
 a stipulation(a written agreement) was made between claimant/plaintiff and defendant.
 a judgment was entered after the trial.
 a judgment was entered against me by default for my failure to appear.
 Other: _____
5. My reason for not
 complying with the stipulation is _____
 following the order of the Court is _____
 appearing in court on the date scheduled for trial is _____
 Other: _____
6. I allege that I have a good defense because: I disputed the amount
due
7. ER a) I have not had a previous Order to Show Cause regarding this index number.
 b) I have had a previous Order to Show Cause regarding this index number but I am making this application because: _____
8. ER I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these papers in person.

Sworn to before me this day November 20, 2015

Signature of Court Employee and Title

(Sign Name) ERIK RODRIGUEZ
 MR ERIK RODRIGUEZ
 1210 LORING AVE APT 2B
 Brooklyn, NY 11208-5043

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: PART 34

-----X
RENAISSANCE EQUITY HLDGS F, LLC,

Plaintiff,

- against -

INDEX NO. 7557/15

FILE NO. 19022

AFFIRMATION
IN OPPOSITION

MR. ERIK RODRIGUEZ,

Defendant.

-----X
Gary Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

1. I am a member of the law firm of Kavulich & Associates, P.C., attorneys for the Plaintiff, herein. As such, I am fully familiar with the facts and circumstances of the within proceeding, except as to those matters stated to be based upon information and belief, and as to those matters I believe them to be true. The basis of my belief is information furnished to me by my client, information contained within the Court's file, and information contained within the file as maintained by your affirmant's office.

2. I make this affirmation in opposition to the Defendant's Order to Show Cause seeking to, inter alia, vacate the judgment and restore this matter to this Court's calendar. Please see Defendant's instant Order to Show Cause annexed hereto as Exhibit "1."

3. In order to prevail on his motion, Defendant must prove both an excusable default and meritorious defense.

BACKGROUND

4. The Defendant lived at 1412 Brooklyn Avenue, Apt. 5F, Brooklyn, NY. Annexed hereto as Exhibit "2" is Plaintiff's agent's affidavit.

5. That the lease agreement between the parties ended February 28, 2014, for the above-referenced premises at the agreed upon monthly rate of \$1,100.00. Please see aforementioned Exhibit "2."

6. Defendant ultimately breached that lease agreement by failing to pay rent and accumulating substantial arrears. Annexed hereto as Exhibit "3" is a copy of the tenant ledger. Please see aforementioned Exhibit "2."

7. Pursuant to that default, Plaintiff ("Petitioner" there) commenced a housing court proceeding under landlord/tenant index number 98059/13.

8. The parties appeared in court on November 1, 2013, wherein the Defendant agreed to pay the arrears and current rent.

9. As the Defendant failed to honor that agreement, the Plaintiff obtained a warrant of eviction and caused that to be served upon the Defendant.

10. The Defendant thereafter filed an Order to Show Cause which was returnable in court on January 14, 2014.

11. However, on that date, the Defendant failed to appear in support of his motion and that motion was denied.

12. The Defendant thereafter vacated on or about January 21, 2014. At which time he owed \$2,921.94 as all monies due through January 31, 2015. Please see aforementioned Exhibits "2" and "3."

13. The Defendant's security deposit was applied to February, 2014 rent.

14. Plaintiff commenced this instant action by service of the summons and complaint. Annexed hereto as Exhibit "4" is a copy of the summons and complaint. Annexed hereto as Exhibit "5" is a copy of the affidavit of service thereof.

15. It is respectfully pointed out to the Court that said summons and complaint was served at the same address from where Defendant mailed the instant motion. Please see aforementioned Exhibit "4." Annexed hereto as Exhibit "6" is a copy of the envelope in which Defendant mailed the instant motion to your affirmant's office.

16. Thereafter, the Defendant failed to answer said summons and complaint; as such, the Plaintiff obtained a default judgment in the amount of \$3,601.96 on September 3, 2015. Annexed hereto as Exhibit "7" is a copy of said judgment.

17. Plaintiff then continued execution measures pursuant to that judgment and it was not until recently that it was able to locate an asset of the Defendant when it issued a wage garnishment to New York City Marshal Biegel to levy on Defendant's salary.

18. Upon information and belief, it was that garnishment that caused the Defendant to file the instant motion.

DEFENDANT'S INSTANT MOTION DOES NOT DEMONSTRATE AN
EXCUSABLE DEFAULT AND MERETORIOUS DEFENSE. THEREFORE THE
MOTION SHOULD BE DENIED

19. In order to meet the standard required for this Court to vacate Defendant's default, the Defendant is required to demonstrate both a reasonable excuse for the default and the existence of a potentially meritorious defense to the action. CPLR 5015(a)(1); *Bank of Am v. Faracco*, 89 AD3d 879 [2d Dep't 2011]; *Community Preserve Corp. v. Bridgewater Condominiums, LLC.*, 89 AD3d 784 [2d Dep't 2011].

20. Moreover, should the Defendant demonstrate a reasonable excuse for her default, the Court must nonetheless uphold the default when the Defendant's papers submitted in support thereof are replete with self-serving, vague, unsubstantiated denials

and unsupported legal conclusions. *Thapt v. Lutheran Med. Ctr.*, 89 AD3d 837 [2d Dep't 2011]; *Garal Wholesalers, Ltd. V. Raven Brands, Inc.*, 82 AD3d 1041 [2d Dep't 2011].

21. A process server's affidavit constitutes prima facie evidence of proper service pursuant to CPLR 308. *City of New York v. Miller*, 2010 NY Slip Op 03059 [2d Dep't 2010].

22. The process server's affidavit indicates that Defendant was served in this matter via conspicuous service at her residence on March 20, 2015 at 1210 Loring Avenue, Apt. 2B, Brooklyn, NY 11208. Please see aforementioned Exhibit "4."

23. The process server's affidavit states that after using due diligence to make service personally upon the Defendant, the process server served the summons and complaint on a male "John Doe" at the aforementioned address. Please see aforementioned Exhibit "4."

24. Thus, in accord with *Scarano*, the Defendant's assertion is insufficient to rebut the prima facie proof of proper service pursuant to CPLR 308(4). *Id.*

25. As referred to above, that address is the same address as indicated as the return address on the envelope the Defendant mailed the instant motion to your affirmant's office.

26. Therefore, the Defendant's allegation of incorrect service is without merit.

27. It is thus respectfully submitted that there is no excusable default in this matter.

DEFENDANT HAS NOT PROVEN A MERITORIOUS DEFENSE TO THIS ACTION

28. Defendant, in his Affidavit in support of the instant motion, simply states that he "...disputes the amount" and is thus not a cognizable meritorious defense to this action. Please see aforementioned Exhibit "1," page 2.

29. As the Defendant does owe this debt, and Plaintiff's claim is amply supported by the reasons set forth above, Defendant's motion should be denied.

30. It is respectfully stated that Plaintiff is entitled to the relief sought in this matter.

WHEREFORE, your Affirmant respectfully requests that this motion be granted in all respects and for such other and further relief as to this Court may deem just and proper.

Dated: Port Chester, NY
December 2, 2015

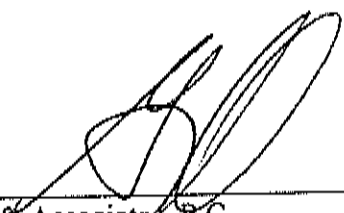

Kavulich & Associates, P.C.
By: Gary Kavulich, Esq.
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
(914) 355-2074

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

Civil Court of the City of New York
County of Kings

19022

RENAISSANCE EQUITY HLDGS F LLC
-against-
MR ERIK RODRIGUEZ

Index Number CV-007557-15/KI

ORDER TO SHOW CAUSE

To Vacate a Judgment, restore case to the Calendar, and vacate any liens and income executions involving this defendant on this case

UPON the annexed affidavit of MR ERIK RODRIGUEZ, sworn to on November 20, 2015, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Kings Civil Court
141 Livingston Street
Brooklyn, New York 11201
Part 34C Room 1101
on December 7, 2015 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, restoring to the calendar, vacating any liens and income executions and/or granting such other and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

 by Personal Service by "In Hand Delivery"
 by Certified Mail, Return Receipt Requested
 by First Class Mail with official Post Office
Certificate of Mailing

 by Personal Service by "In Hand Delivery"
 by Certified Mail, Return Receipt Requested
 by First Class Mail with official Post Office
Certificate of Mailing

on or before November 23, 2015, shall be deemed good and sufficient.

~~PROOF OF SUCH SERVICE~~ shall be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Attorney(s): Mail to:
Gary Michael Kavulich (Counsel for Pltff)
181 Westchester Ave Ste 500C
Port Chester, NY 10573-6522

Sheriff/Marshal:

November 20, 2015

DATE

Hon. Theresa M. Ciccotto, Civil Court Judge (NYC)

CIVIL Court of the City of New York, County of Kings

RENAISSANCE EQUITY HLDGS F LLC

-against-

MR. ERIK RODRIGUEZ

CVA-007355-17/KJZ

Affidavit in Support to restore case to the calendar, and vacate any judgment, liens and income executions involving this defendant on this case

State of New York, County of Kings

MR ERIK RODRIGUEZ, being duly sworn, deposes and says:

(Defendant's initials)

1. ER a) I am the Party named as (Defendant)(Respondent) in the above titled action.2. ER a) I have been served with a summons and complaint in this action. (NOTE: if Small Claims skip #3, and go to # 4)

b) I have not been served, and my first notice of legal action was (NOTE: if you complete any of #2b), skip #3, #4, #5, and go to #6)

_____ a Notice of Default Judgment mailed to me

_____ a Restraining Notice on my bank account.

✓ a copy of an Income Execution served on 11/19/15

_____ Other: _____

3. _____ a) I did not appear and answer in the Clerk's Office because: (NOTE: if you complete #3a, skip and go to #6)

b) I did appear and answer in the Clerk's Office

_____ and I received a date for trial.

_____ but the answer was entered late

_____ Other: _____

4. _____ On the Date of Trial before Judge/Arbitrator

_____ a stipulation (a written agreement) was made between claimant/plaintiff and defendant.

_____ a judgment was entered after the trial.

_____ a judgment was entered against me by default for my failure to appear.

_____ Other: _____

5. _____ My reason for not

_____ complying with the stipulation is _____

_____ following the order of the Court is _____

_____ appearing in court on the date scheduled for trial is _____

_____ Other: _____

6. _____ I allege that I have a good defense because:

6/11/16I disputed the amount7. ✓ ER a) I have not had a previous Order to Show Cause regarding this index number.

b) I have had a previous Order to Show Cause regarding this index number but I am making this application because: _____

8. ✓ ER I request that the Judgment be vacated, that the case be restored to the calendar, and permission to serve these papers in person.

Sworn to before me this day November 20, 2015

Signature of Court Employee and Title

(Sign Name)

MR ERIK RODRIGUEZ

1210 LORING AVE APT 2B

Brooklyn, NY 11208-5043

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: PART 34

-----X
RENAISSANCE EQUITY HLDGS F LLC,

Index No. 7557/15
File No. 19022

Plaintiff,

AFFIDAVIT
IN SUPPORT

- against -

MR ERIK RODRIGUEZ,

Defendant.

-----X
STATE OF NEW YORK)

) SS

COUNTY OF KINGS)

I, Jacob Schwimmer, being duly sworn deposes and says:

1. I am the managing agent for the Plaintiff, RENAISSANCE EQUITY HLDGS F LLC, and as such, I am fully familiar with the facts and circumstances of this proceeding as I am responsible for, inter alia, leasing of apartments, collection of rents and maintaining legal actions when required.

2. I am the property manager of the subject premises and was during the time in issue.

3. Defendant lived at 1412 Brooklyn Avenue, Apt. 5F, NY pursuant to a lease agreement executed by the parties that terminated on February 28, 2014 at the agreed upon monthly rent of \$1,100.00.

4. Defendant ultimately breached the lease agreement by failing to remit regular payments pursuant to the terms of said lease agreement and accumulating substantial rental arrears.

5. As such, Plaintiff ("Petitioner" there) commenced a housing court proceeding under landlord/tenant index number 98059/13.

6. The parties appeared in court on November 1, 2013, wherein Defendant ("Respondent" there) agreed to pay all rental arrears due and owing and the current rent.

7. The Defendant failed to honor that agreement and, as such, the Plaintiff obtained a warrant of eviction and caused that to be served upon the Defendant.

8. Thereafter, the Defendant filed an Order to Show Cause which was returnable in Court on January 14, 2014.

9. However, on that date, the Defendant failed to appear in support of his motion and that motion was denied.

10. Thereafter, the Defendant vacated the subject premises on or about January 21, 2014.

11. On January 21, 2014, the Defendant owed the Plaintiff the sum of \$2,921.94 which represents rental arrears for the month of November, 2013 balance of \$721.94 and for the months of December, 2013 through and including January, 2014 at the agreed monthly rent of \$1,100.00 (after application of Defendant's security deposit to rent for February, 2014).

12. As such, Plaintiff commenced this instant action by serving the Defendant with the summons and complaint on or about April 8, 2015.

13. Said summons and complaint were served on Defendant at 1210 Loring Avenue, Apt. 2B Brooklyn, NY 11208-5043 which is the same address from where Defendant mailed his instant motion.

14. Thereafter, the Defendant failed to file an answer to the summons and complaint and, as such, on September 3, 2015, Plaintiff was awarded a judgment against Defendant in the amount of \$3,601.96.

15. To date, Defendant has not made any payments pursuant to the aforementioned judgment.

16. As such, the judgment against Defendant remains outstanding in the amount of \$3,601.96.

WHEREFORE, your deponent prays that the relief sought herein is granted in all respects and for such other and further relief as this court may deem just and proper.

Sworn to before me this
2nd day of December, 2015

Notary Public

Jacob Schwimmer

GARY KAVULICH
Notary Public, State of New York
No. 02KA6205615
Qualified in Westchester County
Commission Expires May 11, 2017

EXHIBIT 1

EXHIBIT 4

EXHIBIT 5

RENAISSANCE EQUITY HOLDINGS LL - By: SA PAGE 1 - 03/11/14

Unit: 052- 5F ** VACANT ** #1 *VACANT* SS#: XXX-XX-1559
 RODRIGUEZ, ERIK SS#:
 Addr: 1412 BROOKLYN AVENUE BROOKLYN, NY 11210 T#: 4020
 Lease Info: -----

Tel [1] [2] Type Codes:
 No [W] [F] STABILIZED

Lease: 3/01/13 - 2/28/14 - 12 Months Due On: 1 Move in Date: 2/11/13
 Vacate Date: 1/10/14
 Gross rent: 1,905.76 Sec 8 Subs: 0.00 Sen Cit Subs: 0.00
 Fuel Adj: 0.00 MBR Amount: 0.00 Net Rent: 1,100.00
 Pref. Rent: 1,100.00 Sep 30'th Rent: 1,905.76
 Monthly Charges: -----
 Monthly Amt On-Date Off-Date St Code Amt On-Date Off-Date St

Security Amt: 1,100.00 Tot Security Rcvd: 1,100.00 ** DISPOSSESS

Interest Pd: 0.00 Last Date Int Paid:

Misc Inf [1] [2]
 Room counts: Reg: 1BR Fuel: 3.00

Billing/Reminders: -----

| | Recurring Monthly | Special Adjustments | States Share Sec 8 | Sen Citizen Tax Credits |
|----------------------|----------------------|------------------------|-----------------------|----------------------------|
| Tot Billed: | 12,100.00 | 271.94 | 0.00 | 0.00 |
| Tot Paid: | 9,450.00 | 0.00 | 0.00 | 0.00 |
| Bal Due: | 2,650.00 | 271.94 | 0.00 | 0.00 |
| Last Billed: | 12/19/13 | 7/21/13 | | |
| Last Paid: | 12/17/13 | | | |
| Last tenant payment: | 550.00 | | | |

Last date rent was due: 02/01/14 NEXT bill on: 03/01/14

Late Notice Type Generated On

Lease Renewal Letter Generated On 10/22/13 LEASE NOT SIGNED

Security Amt: 1,100.00 Rcvd: 1,100.00 Balance: 0.00

RENAISSANCE EQUITY HOLDINGS LL - By: SA PAGE 2 - 03/11/14

-Unit: 052- 5F ** VACANT ** #1 *VACANT* SS#: XXX-XX-1559
 RODRIGUEZ, ERIK SS#:
 Addr: 1412 BROOKLYN AVENUE BROOKLYN, NY 11210 T#: 4020

Apt Information: -----

Room counts: Reg: 1BR Fuel: 3.00 STABILIZED Seq #: 000

| Appliances: | Type | Date | Cost | Type | Date | Cost |
|-------------|------|------|------|------|------|------|
| ----- | | | | | | |

Last Date Painted:

Garage no(s):

Misc Info:

Apt Update History: -----

| | | | |
|----------------|----|----------|------------------------|
| Updated by: IG | on | 2/19/14 | Action: Set Start Bill |
| Updated by: IG | on | 1/22/14 | Action: Set Start Bill |
| Updated by: IG | on | 1/13/14 | Action: Vacate |
| Updated by: IG | on | 11/21/13 | Action: Set Start Bill |

Legal Information: -----

Status: In Court

Next Court Date: 1/16/14 AGENT REQ'D
 Lockout Date: / /

Index #: 98059/2013 Warnt Index #:

Tot Dispo Amt \$3,221.94 for 3 months Service: Written

| | | |
|------|-------|---------|
| 3Day | Dispo | Warrant |
|------|-------|---------|

Last Selected: 9/30/13

Last Printed: 10/01/13

RENAISSANCE EQUITY HOLDINGS LL - By: SA

PAGE 3 - 03/11/14

Unit: 052- 5F ** VACANT **

#1 *VACANT* SS#: XXX-XX-1559

RODRIGUEZ, ERIK

SS#:

Addr: 1412 BROOKLYN AVENUE

BROOKLYN, NY

11210

T#: 4020

EFFECTIVE

| DATE | PAYMENTS | BILLS | TYPE FUND | EXPLANATION REFERENCE | DOCUMENT # CODE/SCRIE | MONTHLY RUNNING BAL |
|--------------------|----------|----------|--------------|--------------------------|--------------------------|------------------------|
| 1/01/14 B17819 | | 1,100.00 | BILL MNTH | SCAN-121913 | | 2,921.94 |
| 12/17/13 B17799 | 550.00 | | PYMT MNTH | | 807689550 CD:V | 1,821.94 |
| 12/05/13 B17711 | 700.00 | | PYMT MNTH | | 9805011929 CD:V | 2,371.94 |
| 12/05/13 B17711 | 1,000.00 | | PYMT MNTH | | 9805011928 CD:V | 3,071.94 |
| 12/01/13 B17642 | | 1,100.00 | BILL MNTH | SCAN-112113 | | 4,071.94 |
| 11/05/13 B17532 | 700.00 | | PYMT MNTH | | 792565681 CD:V | 2,971.94 |
| 11/05/13 B17532 | 600.00 | | PYMT MNTH | | 792565342 CD:V | 3,671.94 |
| 11/01/13 B17461 | | 1,100.00 | BILL MNTH | SCAN-102213 | | 4,271.94 |
| 10/01/13 B17293 | | 1,100.00 | BILL MNTH | SCAN-092213 | | 3,171.94 |
| 9/23/13 B17299 | 400.00 | | PYMT MNTH | | 748590200 CD:V | 2,071.94 |
| 9/01/13 B17127 | | 1,100.00 | BILL MNTH | SCAN-082213 | | 2,471.94 |
| 8/26/13 B17140 | 600.00 | | PYMT MNTH | | 748458760 CD:V | 1,371.94 |
| 8/19/13 B17095 | 600.00 | | PYMT MNTH | | 748458429 CD:V | 1,971.94 |
| 8/01/13 B16935 | | 1,100.00 | BILL MNTH | SCAN-072213 | | 2,571.94 |
| 7/21/13 B16916 | | 271.94 | BILL ADJ | AIR COND. | | 1,471.94 |
| 7/01/13 B16723 | | 1,100.00 | BILL MNTH | SCAN-062413 | | 1,200.00 |
| 6/28/13 B16757 | 1,000.00 | | PYMT MNTH | | 710068043 CD:V | 100.00 |

RENAISSANCE EQUITY HOLDINGS LL - By: SA

PAGE 4 - 03/11/14

Unit: 052- 5F ** VACANT **

#1 *VACANT* SS#: XXX-XX-1559

RODRIGUEZ, ERIK

SS#:

Addr: 1412 BROOKLYN AVENUE

BROOKLYN, NY

11210

T#: 4020

| | | | | |
|-------------------|----------|--------------------------|-------------------|-----------|
| 6/01/13 B16520 | 1,100.00 | BILL MNTH SCAN-052113 | | 1,100.00 |
| 5/02/13 B16421 | 550.00 | PYMT MNTH | 669858934 CD:V | 0.00 |
| 5/02/13 B16421 | 550.00 | PYMT MNTH | 669858935 CD:V | 550.00 |
| 5/01/13 B16352 | 1,100.00 | BILL MNTH SCAN-042213 | | 1,100.00 |
| 4/01/13 B16223 | 1,100.00 | BILL MNTH SCAN-032413 | | 0.00 |
| 3/30/13 B16255 | 550.00 | PYMT MNTH | 4666266951 | -1,100.00 |
| 3/30/13 B16255 | 550.00 | PYMT MNTH | 4666266950 | -550.00 |
| 3/01/13 B16070 | 1,100.00 | BILL MNTH SCAN-022113 | | 0.00 |
| 2/21/13 B16071 | 1,100.00 | PYMT SECU | 3758 CD:V | -1,100.00 |
| 2/21/13 B16073 | 1,100.00 | PYMT MNTH | 3757 CD:V | -1,100.00 |

----- If archive transaction exist, they follow here:

RENAISSANCE EQUITY HOLDINGS LL - By: SA

PAGE 5 - 03/11/14

Unit: 052- 5F ** VACANT **

#1 *VACANT* SS#: XXX-XX-1559

RODRIGUEZ, ERIK

SS#:

Addr: 1412 BROOKLYN AVENUE

BROOKLYN, NY

11210

T#: 4020

Legal History: -----

Date: 1/16/14 Rep: ALEXIS

-> AS PER ORDER MTN DENIED AS RSPDT FAILED TO RETURN AFTER LUNCH BREAK

Date: 12/11/13 Rep: SHARMAINE

-> WARRANT ISSUED

Date: 11/01/13 Rep: SHARMAINE

-> FJ L/L EXECUTION STAYED AS \$2100 PL (R) 12/5 \$600 12/15-TENANT ALLEGES

-> TRACING A M/O\$1474859072-REPAIR ACCESS 11/15/2013

EXHIBIT 4 EXHIBIT 5

Civil Court of the City of New York
County of Kings

007557

-----X
Renaissance Equity Hldgs F LLC,

Plaintiff,

Index No.
File No. 19022

-against-

SUMMONS

Mr Erik Rodriguez,

Defendant(s).

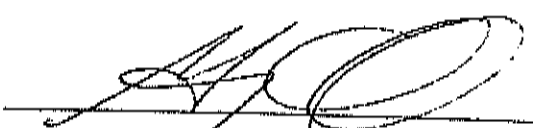
Place of Venue is designated
as Plaintiffs' Place of Business

1412 Brooklyn Avenue
Brooklyn, NY 11210

-----X
To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of Kings at the office of the Clerk of the said Court at 141 Livingston Street, Brooklyn, NY 11201 in the County of Kings, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$3,421.94 with interest thereon from December 1, 2013 together with costs of this action.

DATED: 01/29/2015


By: Gary Kavulich, Esq.
Kavulich & Associates, P.C.
Attorney for Plaintiff
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
Phone: 914-355-2074 / Fax: 914-355-2079

Defendant(s) Address(es)

Mr Erik Rodriguez
1210 Loring Avenue, Apt. 2B
Brooklyn, NY 11208-5043

FILED
CLERK'S OFFICE
FEB 13 2015
CITY OF NEW YORK
KINGS COUNTY

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

ENDORSED COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from the Defendant(s) for breach of a lease agreement in the sum of \$2,921.94 for rental arrears for the months of December, 2013 balance of \$721.94; January, 2014 through and including February, 2014 at the agreed monthly sum of \$1,100.00 for the premises known as 1412 Brooklyn Avenue, Apt. 5F, Brooklyn, NY 11210 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

SECOND ACTION: Plaintiff seeks to recover damages from Defendant(s) in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the court may deem just.

THIRD ACTION: Plaintiff seeks to recover damages from the Defendant(s) in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other and further relief as the court may deem just.

WHEREFORE: Plaintiff demands judgment (A) on the First Action, in the sum of \$2,921.94 plus interest from December 1, 2013 together with costs and disbursements of this action for such other and further relief as the court may deem just, (B) on the Second Action in the sum of \$0.00 plus interest from December 1, 2013 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

A handwritten signature in black ink, appearing to read 'G. Kavulich', written over a horizontal line.

By: Gary Kavulich, Esq.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.

EXHIBIT 7 / EXHIBIT 5

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
KINGS COUNTYIndex #: 7557/2015
Date Filed: 2/13/2015ATTORNEY(S): KAVULICH & ASSOCIATES, PC
ADDRESS: File No 19022

RENAISSANCE EQUITY HLDGS F LLC

Plaintiff(s)/Petitioner(s)

vs.

MR. ERIK RODRIGUEZ

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS SS:

YANNICK JHUGDEO, being duly sworn says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On 3/20/2015 at 12:38 PM at 1210 LORING AVENUE, APT. 2B, BROOKLYN, NY 11208, deponent served the within

SUMMONS & ENDORSED COMPLAINT

with index Number 7557/2015, and Date File 2/13/2015 endorsed thereon, on: MR. ERIK RODRIGUEZ, Defendant therein named

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent the person served to be the person described as said person therein.
- #2 CORPO RATION ☐ By delivering to and leaving with and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation. Service was made in following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.
- #3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to JOHN DOE a person of suitable age and discretion Said premises is recipient's ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
- #4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
- #5 MAIL COPY ☒ On 3/25/2015 deponent completed service under the last two section by depositing a copy of the SUMMONS & ENDORSED COMPLAINT to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on At on At on At
- #7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows: Sex: MALE, Color of Skin: BROWN, Color of Hair: BLACK & GRAY, Age: 60-69, Height: 5'9"/6'0, Weight: 165-200, Other Features:
- #8 WIT. FEES ☐ The authorized witness fee and / or travelling expense were paid (tendered) to recipient.
- #9 MILITARY SERVICES ☐ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or the State of NEW YORK and was informed that defendant was not.

Sworn to me on 3/27/2015

Thomas A. Dundas
THOMAS A. DUNDAS
NOTARY PUBLIC, State of New York
NO. 01006016919, Qualified in Queens County
Commission Expires 11/30/2018

YANNICK JHUGDEO
YANNICK JHUGDEO
Servers Lic. # 1457400

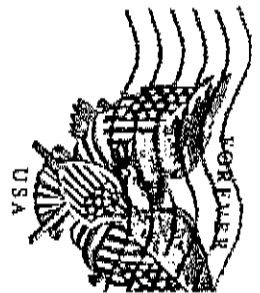
CF

PROCESS SERVER PLUS INC. LIC# 1077004, 96-11 101ST AVENUE, 2ND FL, OZONE PARK, NY 11416

EXHIBIT 7 EXHIBIT 6

Eric Redinger
710 101.03 Ave Apt 215
Brooklyn NY 11228

NEW YORK NY 100
27 NOV 2015 PM 10 L



Gary Michael Kavulich
181 Wosteraster Ave Ste 500c
Port Chester, NY 10573-6502

10573652203



EXHIBIT 7

19022

Kings County Civil Court
Civil JudgmentPlaintiff(s):
RENAISSANCE EQUITY HLDGS F LLC

vs.

Defendant(s):
MR ERIK RODRIGUEZ

Index Number: CV-007557-15/KI

Judgment issued: On Default

On Motion of:

Gary Michael Kavulich
181 Westchester Ave Ste 500C, Port Chester,
NY 10573-6522

| | | | | | |
|---------------------------|-------------------|--|-----------------|------------------------|-------------------|
| Amount claimed | \$3,421.94 | Index Number Fee | \$45.00 | Transcript Fee | \$0.00 |
| Less Payments made | \$0.00 | Consumer Credit Fee | \$0.00 | County Clerk Fee | \$0.00 |
| Less Counterclaim Offset | \$0.00 | Service Fee | \$25.00 | Enforcement Fee | \$50.00 |
| Interest 12/01/2013 at 9% | \$540.02 | Non-Military Fee | \$0.00 | Other Disbursements | \$0.00 |
| Attorney Fees | (\$500.00) | Notice of Trial Fee | \$0.00 | Other Costs | \$0.00 |
| Cost By Statute | \$20.00 | Jury Demand Fee | \$0.00 | | |
| Total Damages | \$3,461.96 | Total Costs & Disbursements | \$140.00 | Judgment Total: | \$3,601.96 |

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) RENAISSANCE EQUITY HLDGS F LLC
1412 BROOKLYN AVENUE, BROOKLYN, NY 11210

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) MR ERIK RODRIGUEZ
1210 LORING AVE APT 2B, Brooklyn, NY 11208-5043

Judgment entered at the Kings County Civil Court, 141 Livingston Street, Brooklyn, NY 11201, in the STATE OF NEW YORK in the total amount of \$3,601.96 on 09/03/2015 at 12:26 PM.

Judgment sequence 1

Carol Alt

Carol Alt, Chief Clerk

FILED
JUDG. CLERKCIVIL COURT
KINGS COUNTY

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: PART 34

INDEX NO. 7557/15
FILE NO. 19022

-----X
RENAISSANCE EQUITY HLDGS F, LLC,

Plaintiff,

AFFIRMATION OF
SERVICE

- against -

MR. ERIK RODRIGUEZ,

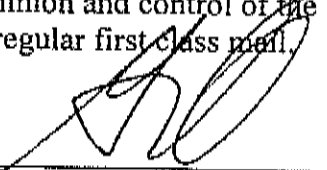
Defendant.

-----X
Gary Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

On December 3, 2015, I served the within Affirmation in Opposition upon the Defendant by depositing true copies in post-paid envelope addressed to:

Mr. Erik Rodriguez
1210 Loring Avenue, Apt. 2B
Brooklyn, NY 11208

in an official depository under the exclusive dominion and control of the United States Postal Service within the State of New York via regular first class mail.



Gary Kavulich, Esq.

INDEX NO. 7557/15

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: PART 34

RENAISSANCE EQUITY HLDGS F, LLC,

Plaintiff,

- against -

MR. ERIK RODRIGUEZ,

Defendant.

AFFIRMATION IN OPPOSITION

Signature Rule 130-1.1-a



Print Name Beneath -

Gary Kavulich, Esq.

Kavulich & Associates, P.C.
Attorney for Plaintiff
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
(914)355-2074

Kings County Civil Court
Civil JudgmentPlaintiff(s):
RENAISSANCE EQUITY HLDGS F LLC

Index Number: CV-007557-15/KI

Judgment issued: On Default

vs.

On Motion of:

Defendant(s):
MR ERIK RODRIGUEZGary Michael Kavulich
181 Westchester Ave Ste 500C, Port Chester,
NY 10573-6522

| | | | | | |
|---------------------------|-------------------|--|-----------------|-----------------------|-------------------|
| Amount claimed | \$3,421.94 | Index Number Fee | \$45.00 | Transcript Fee | \$0.00 |
| Less Payments made | \$0.00 | Consumer Credit Fee | \$0.00 | County Clerk Fee | \$0.00 |
| Less Counterclaim Offset | \$0.00 | Service Fee | \$25.00 | Enforcement Fee | \$50.00 |
| Interest 12/01/2013 at 9% | \$540.02 | Non-Military Fee | \$0.00 | Other Disbursements | \$0.00 |
| Attorney Fees | (\$500.00) | Notice of Trial Fee | \$0.00 | Other Costs | \$0.00 |
| Cost By Statute | \$20.00 | Jury Demand Fee | \$0.00 | | |
| Total Damages | \$3,461.96 | Total Costs & Disbursements | \$140.00 | Judgment Total | \$3,601.96 |

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) RENAISSANCE EQUITY HLDGS F LLC
1412 BROOKLYN AVENUE, BROOKLYN, NY 11210

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) MR ERIK RODRIGUEZ
1210 LORING AVE APT 2B, Brooklyn, NY 11208-5043

Judgment entered at the Kings County Civil Court, 141 Livingston Street, Brooklyn, NY 11201, in the STATE OF NEW YORK in the total amount of \$3,601.96 on 09/03/2015 at 12:26 PM.

Judgment sequence 1

Carol Alt

Carol Alt, Chief Clerk

FILED
JUDG. CLERK**CIVIL COURT**
KINGS COUNTY

Court of the City of New York
County of Kings

Renaissance Equity Hldgs F LLC,

JUDGMENT

PLAINTIFF(S)

Index No. 7557/15

File No. 19022

-against-

1412 Brooklyn Avenue,
Brooklyn, NY 11210

Mr Erik Rodriguez,

DEFENDANT(S)

AMOUNT CLAIMED LESS PMTS ON ACCT.
INTEREST FROM 12/01/2013

\$2,921.94

\$379.69

SUBTOTAL

\$3,301.63

COSTS BY STATUTE

\$20.00

SERVICE OF SUMMONS AND COMPLAINT

\$25.00

FILING OF SUMMONS AND COMPLAINT

\$45.00

PROSPECTIVE MARSHALL'S FEE

\$40.00

NOTICE OF INQUEST

\$0.00

TRANSCRIPT & DOCKETING

\$0.00

SUBTOTAL

\$130.00

TOTAL

\$3,431.63

STATE OF NEW YORK, WESTCHESTER COUNTY:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ONE OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER THE TIME OF THE DEFENDANT(S) TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THE SAID DEFENDANT(S) HAS NOT APPEARED AND ANSWERED HEREIN. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: Kings, NY

05/12/2015

KAVULICH & ASSOCIATES, P.C.

By: Gary Kavulich, Esq.

181 WESTCHESTER AVENUE, SUITE 500C
PORT CHESTER, NY 10573

JUDGMENT ENTERED ON

SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)

HEREIN HAVING BEEN COMPLETED ON 05/02/2015 WITHIN THE CITY OF NEW YORK ON THAT DAY AND MORE THAN 20 DAYS

HAVING ELAPSED.

BY FILING ON SAID DAY OF PROOF OF THE SERVICE THEREOF BY Substituted SERVICE ON DEFENDANT(S) AND MORE THAN 30 DAYS HAVING ELAPSED SINCE THE DAY OF COMPLETION OF SERVICE AND THE TIME OF SAID DEFENDANT(S) TO APPEAR AND ANSWER HAVING EXPIRED, AND

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS ADJUDGED THAT

Renaissance Equity Hldgs F LLC

RESIDING AT: 1412 Brooklyn Avenue, Brooklyn, NY 11210

RECOVER OF: Mr Erik Rodriguez

RESIDING AT: 1210 Loring Avenue, Apt. 2B Brooklyn, NY 11208-5043

THE SUM OF \$2,921.94 WITH INTEREST OF \$379.69 MAKING A TOTAL OF \$3,301.63, TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$3,431.63 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

CLERK

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
KINGS COUNTYIndex #: 7557/2015
Date Filed: 2/13/2015ATTORNEY(S): KAVULICH & ASSOCIATES, PC
ADDRESS : File No 19022

RENAISSANCE EQUITY HLDGS F LLC

Plaintiff(s)/Petitioner(s)

vs.

MR. ERIK RODRIGUEZ

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS SS:
YANNICK JHUGDEO, being duly sworn says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On 3/20/2015 at 12:38 PM at 1210 LORING AVENUE, APT. 2B, BROOKLYN, NY 11208, deponent served the within SUMMONS & ENDORSED COMPLAINT with index Number 7557/2015, and Date File 2/13/2015 endorsed thereon, on: MR. ERIK RODRIGUEZ, Defendant therein named

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent the person served to be the person described as said person therein.
- #2 CORPO RATION ☐ By delivering to and leaving with and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation. Service was made in following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.
- #3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to JOHN DOE a person of suitable age and discretion
Said premises is recipient's ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
- #4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.
- #5 MAIL COPY ☒ On 3/25/2015 deponent completed service under the last two section by depositing a copy of the SUMMONS & ENDORSED COMPLAINT to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on At on At on At
- #7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
Sex: MALE, Color of Skin: BROWN, Color of Hair: BLACK & GRAY, Age: 60-69, Height: 6'9"/6'0, Weight: 180-200, Other Features:
- #8 WIT FEES ☐ The authorized witness fee and / or travelling expense were paid (tendered) to recipient.
- #9 MILITARY SERVICES ☐ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or the State of NEW YORK and was informed that defendant was not.

Sworn to me on 3/27/2015

THOMAS A. DUNDAS

NOTARY PUBLIC, State of New York
NO. 01DU6016919, Qualified in Queens County
Commission Expires 11/30/2018YANNICK JHUGDEO
Servers Lic. # 1457400

CF

PROCESS SERVER PLUS INC. LIC# 1077004, 96-11 101ST AVENUE, 2ND FL, OZONE PARK, NY 11416

-----X
---rice Equity Hldgs F LLC,

PLAINTIFF(S)

AFFIDAVIT OF FACTS
CONSTITUTING THE CLAIM
THE DEFAULT AND THE
AMOUNT DUE

-against-

Mr Erik Rodriguez,

Index No. 7557/15
File No. 19022

DEFENDANT(S)
-----X

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

SS: Gary Kavulich, Esq. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PERJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY Substituted SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

December, 2013 BALANCE OF \$721.94;

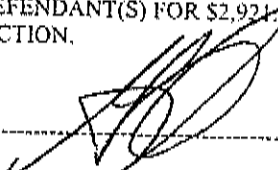
January, 2014 THROUGH AND INCLUDING February, 2014

AT THE AGREED MONTHLY RENTAL OF \$1,100.00

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY AND RESIDES WITHIN THE STATE OF NEW YORK. RENT WAS NOT PAID BY ANY OTHER SOURCE. THE STATUTE OF LIMITATIONS HAS NOT EXPIRED. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PREDICATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$2,921.94 WITH INTEREST FROM 12/01/2013 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.


KAVULICH & ASSOCIATES, P.C.
BY: Gary Kavulich, Esq.
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COURT ON

DATED: WESTCHESTER, NY
05/12/2015

YOURS, ETC.,
ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF

SS:

BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON

New York
County of Kings

Renaissance Equity Hldgs F LLC,

PLAINTIFF(S)

AFFIRMATION OF
MAILING OF ADDITIONAL
NOTICE OF SUIT

-against-

Mr Erik Rodriguez,

DEFENDANT(S)

Index No. 7557/15
File No. 19022

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

SS: Gary Kavulich, Esq. HEREBY DEPOSES AND SAYS

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.

2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.

3. ON 04/08/2015, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE(S) IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE(S), PROPERLY ADDRESSED TO THE DEFENDANT(S), THE ENVELOPE(S) BORE THE LEGEND

"PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE(S) THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

~~LAST KNOWN ADDRESS AT~~ Mr Erik Rodriguez, 1210 Loring Avenue, Apt. 2B Brooklyn, NY 11208-5043

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

THE AFOREMENTIONED MAILING:

~~HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE.~~

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RE-SENT TO THE DEFENDANT AT:


Gary Kavulich, Esq.

Civil Court of the City of New York
County of Kings

Renaissance Equity Hldgs F LLC

INDEX NO:
FILE NO: 19022

PLAINTIFF,

-against-

AFFIRMATION OF FACTS
CONSTITUTING THE
AMOUNT DUE

Mr Erik Rodriguez

DEFENDANT(S)

hereby deposes and says under the penalties of perjury, ss:
That deponent is the managing agent of Renaissance Equity Hldgs F LLC, Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$2,921.94 for the months December, 2013 balance of \$721.94; January, 2014 through and including February, 2014 at the agreed monthly rental amount of \$1,100.00 per month (after application of security and after application of payments) no part having been paid, although duly demanded and Damages in the amount of \$0.00. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military and reside(s) in the State of New York. Rent was not paid by any other source. I make this affirmation upon personal knowledge.

WHEREFORE, Plaintiff demands judgment against defendant for \$2,921.94 with interest from 12/01/2013 together with costs and disbursements of the action.

Dated: 5/3/15

Sworn to, before me on
this 8 day of May, 2015

Notary Public

Jacob Schimmer

GARY KAVULICH
Notary Public, State of New York
No. 02KA6205815
Qualified in Westchester County
Commission Expires May 11, 2017

Renaissance Equity Hldgs F LLC

PLAINTIFF(S)

AFFIDAVIT OF
INVESTIGATOR

-against-

Mr Erik Rodriguez,
[REDACTED] 1559

DEFENDANT

Index No. 7557/15
File No. 19022

STATE OF NEW YORK)

)SS.:

COUNTY OF WESTCHESTER)

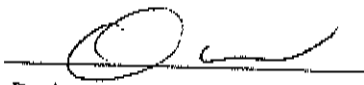
I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant Mr Erik Rodriguez is at the present time in military service for the purpose of entry of judgment.

On 05/12/2015, I Denise Miranda contacted the Defense manpower Data Center concerning the Defendant Mr Erik Rodriguez military status.

I inputted the social security number, as provided by the Defendant, into the Defense Manpower Data Center.

Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).


Denise Miranda

Sworn to before me

this Day 12 of May 2015


Notary Public

Gary Kavulich

Notary Public – State of New York

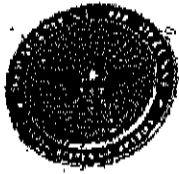
No. 02KA6205615

Qualified in Westchester County

My Commission Expires 05/11/2017

Department of Defense Manpower Data Center

BCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: RODRIGUEZFirst Name: ERIK

Middle Name:

Active Duty Status As Of: May-12-2015

| On Active Duty On Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |

This response reflects the individual's active duty status based on the Active Duty Status Date

| Left Active Duty Within 367 Days of Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |

This response reflects whether the individual left active duty status within 367 days preceding the Active Duty Status Date

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date | | | |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date | Order Notification End Date | Status | Service Component |
| NA | NA | No | NA |

This response reflects whether the individual or his/her unit has received early notification to report for active duty

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty

Mary M. Shavelly-Dixon

Mary M. Shavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

Defense Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq. as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: U6J0X06CK18ED00

Civil Court of the City of New York
County of Kings

-----X
Renaissance Equity Hldgs F LLC,

Plaintiff,

-against-

Mr Erik Rodriguez,

Defendant(s).

Index No.

007557

File No. 19022

SUMMONS


Place of Venue is designated
as Plaintiffs' Place of Business

1412 Brooklyn Avenue
Brooklyn, NY 11210

-----X
To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of Kings at the office of the Clerk of the said Court at 141 Livingston Street, Brooklyn, NY 11201 in the County of Kings, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$3,421.94 with interest thereon from December 1, 2013 together with costs of this action.

DATED: 01/29/2015


By: Gary Kavulich, Esq.
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Defendant(s) Address(es)

Mr Erik Rodriguez
1210 Loring Avenue, Apt. 2B
Brooklyn, NY 11208-5043

FILED
FEB 13 2015

NOTE: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

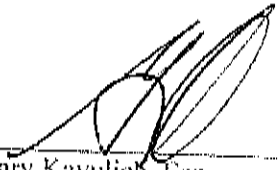
ENDORSED COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from the Defendant(s) for breach of a lease agreement in the sum of \$2,921.94 for rental arrears for the months of December, 2013 balance of \$721.94; January, 2014 through and including February, 2014 at the agreed monthly sum of \$1,100.00 for the premises known as 1412 Brooklyn Avenue, Apt. 5F, Brooklyn, NY 11210 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

SECOND ACTION: Plaintiff seeks to recover damages from Defendant(s) in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the court may deem just.

THIRD ACTION: Plaintiff seeks to recover damages from the Defendant(s) in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other and further relief as the court may deem just.

WHEREFORE: Plaintiff demands judgment (A) on the First Action, in the sum of \$2,921.94 plus interest from December 1, 2013 together with costs and disbursements of this action for such other and further relief as the court may deem just, (B) on the Second Action in the sum of \$0.00 plus interest from December 1, 2013 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.


By: Gary Kavulich, Esq.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.